

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

U.S.A. vs. Albert Earl Bell

Docket No. 4:04-CR-85-1H

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Albert Earl Bell, who, upon an earlier plea of guilty to Distribution of More Than 50 Grams of Cocaine Base, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on July 6, 2005, to the custody of the Bureau of Prisons for a term of 151 months. The defendant was resentenced pursuant to 18 U.S.C. § 3582(c)(2) on March 16, 2009, to 130 months custody; and on April 23, 2012, to 120 months custody. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 5 years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment relating to anger management, as directed by the probation office.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
4. The defendant shall pay restitution in the amount of \$4,360.

Albert Earl Bell was released from custody on May 3, 2013, at which time the term of supervised release commenced. On September 25, 2013, a Petition for Action on Supervised Release was filed that ordered the following additional conditions:

1. The defendant shall submit to a psycho-sexual evaluation by a qualified mental health professional who is experienced in evaluating sexual offenders and who is approved by the U.S. Probation Officer.
2. The defendant shall participate in a sex offender treatment program as directed by the U.S. Probation Officer, and the defendant shall comply with and abide by all the rules, requirements, and conditions of the treatment program until discharged. The defendant shall take medication as prescribed by the treatment provider.

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3. At the direction of the U.S. Probation Officer, the defendant shall submit to physiological testing, which may include, but is not limited to, polygraph examinations or other tests to monitor the defendant's compliance with probation or supervised release and treatment conditions.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

As a result of a 2005 conviction in Martin County, North Carolina, for Indecent Liberties With a Child (04CRS50460), the defendant is required to register as a sex offender. His approved residence is in Jamesville, North Carolina, and he is registered in Martin County. Recently, after the completion of a polygraph examination, it was determined that Bell had also resided at two unapproved residences in Wake County, where his employment was located. The defendant confirmed that he stayed at the residences and indicated that he now understands he is required to solely remain at his approved residence in Martin County unless otherwise directed. In an effort to verify his compliance with his residency requirements, we are requesting that the defendant's term of supervised release be modified to include a curfew determined by the probation officer that includes electronic monitoring.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The government will pay for the services.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: April 30, 2014

ORDER OF COURT

Considered and ordered this 1st day of MAY, 2014, and ordered filed and made a part of the records in the above case.

Malcolm J. Howard
Malcolm J. Howard
Senior U.S. District Judge